

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FRANKLIN L. ASHLEY,

Plaintiff,

v.

PHILLIP TIPPEN, et al.,

Defendants.

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No. 4:23-CV-739 RLW

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. Plaintiff Franklin Ashley commenced this 42 U.S.C. § 1983 civil action on June 5, 2023, alleging violations of his civil rights at the Potosi Correctional Center in Mineral Point, Missouri. ECF No. 1. On September 18, 2023, the Court granted Plaintiff's motion for leave to proceed *in forma pauperis* and directed Plaintiff to file an amended complaint by October 30, 2023, six (6) weeks later. ECF No. 7. The Court cautioned Plaintiff that his failure to timely comply with the Order would result in the dismissal of the case without further notice.


To date, Plaintiff has neither responded to the Court's Order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Plaintiff's failure to comply with the Court's September 18, 2023 Order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition

of cases”); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 7th day of November, 2023.